



General Assembly

January Session, 2009

Amendment

LCO No. 8842

SB0075708842SD0

Offered by:

SEN. HARRIS, 5th Dist.

REP. RITTER, 38th Dist.

To: Subst. Senate Bill No. 757

File No. 120

Cal. No. 160

***"AN ACT CONCERNING THE FILLING OF PRESCRIPTIONS FOR
ANTIEPILEPTIC DRUGS."***

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- 1 In line 15, strike the opening and closing brackets
 - 2 In line 23, delete ";" and insert a period in lieu thereof
 - 3 Strike lines 24 to 29, in their entirety
 - 4 In lines 45, 48 and 60, after "brand name" insert "or generic name"
 - 5 In line 49, after "necessary" insert: ["
 - 6 In line 50, after "substitution," insert a closing bracket
 - 7 Strike lines 93 to 123, inclusive, in their entirety and substitute the
 - 8 following in lieu thereof:
 - 9 "(i) Upon the initial filling or renewal of a prescription that states
 - 10 "BRAND MEDICALLY NECESSARY" a pharmacist shall not: (1)

11 Substitute for the prescribed drug irrespective of whether such drug is
12 a brand name drug or a generic name drug, and (2) fill the prescription
13 by using a new drug manufacturer or distributor of the prescribed
14 drug, unless the pharmacist provides prior notice of such substitution
15 or use of a new drug manufacturer or distributor to the patient's
16 practitioner, and obtains a new prescription from such practitioner for
17 the substituted drug. For purposes of obtaining a new prescription
18 from the patient's practitioner as described in this subsection, a
19 pharmacist shall notify the patient's practitioner via electronic mail or
20 facsimile transmission. If the patient's practitioner does not provide a
21 new prescription, the pharmacist shall fill the prescription without
22 such substitution or use of a new drug manufacturer or distributor or
23 return the prescription to the patient or to such patient's representative
24 for filling at another pharmacy. For purposes of this subsection,
25 "pharmacy" means a place of business where drugs and devices may
26 be sold at retail and for which a pharmacy license was issued pursuant
27 to section 20-594, including a hospital-based pharmacy when such
28 pharmacy is filling prescriptions for employees and outpatient care,
29 and a mail order pharmacy licensed by this state to distribute in this
30 state. "Pharmacy" does not include a pharmacy serving patients in a
31 long-term care facility, other institutional facility or a pharmacy that
32 provides prescriptions for inpatient hospitals."